

REMARKS

This application is a Continued Prosecution Application of Application Serial Number 08/900,964 which was filed July 25, 1997.

Upon entry of this Preliminary Amendment, Claims 1, 10, 11 and 19-21 are canceled without prejudice and new Claims 26-45 are pending. Applicant asserts that these new claims more distinctly claim the invention, which is the subject matter of the above-identified CPA, and are allowable over the previously cited references. Accordingly, Applicant respectfully requests reconsideration and an early allowance of Claims 26-45 in this application.

In the Office Action mailed July 22, 1999, the Examiner rejected Claims 1, 10, 11, 19, 20 and 21 "under 35 USC 103(a) as being unpatentable over Whitehead (USPN: 4,733,229) in view of Lee (USPN: 5,555,026) and further in view of Lagoni (USPN: 5,204,748)." Although Applicant is canceling Claims 1, 10, 11, 19, 20 and 21, Applicant submits the following remarks with regard to the previously cited references to expedite prosecution of this CPA application and the currently pending claims.

Applicant's Claim 26 recites, among other things:

a host computer system for running an application program; [and]
a processor device for automatically generating a window control
signal in response to said application program;

This adds the limitation of "a host computer system for running an application program" and more distinctly claims the processor device recited in canceled Claims 1 and 11. Support for the host computer is found in the specification at page 3, lines 13-15, among other places. Independent Claims 36, 43 and 45 appropriately recite at least the additional limitations of Claim 26, in addition to other language that more distinctly claims the subject matter of the present invention. For example, Claim 36 is a method claim analogous to system Claim 26 and recites, among other things:

running an application program on a host computer; [and]
generating a window control signal in response to said application
program;

Claim 43, directed to computer-readable medium, recites among other things:

running an application program on a host computer; [and]
generating a window control signal in response to said application
program, said window control signal including a video data
signal;

and system Claim 45 recites, among other things:

means for running an application program, said application program
providing a video data signal; [and]
means for generating a window control signal in response to said
application program.

In contrast, *Whitehead* is directed to:

... a CRT display of digitized gray scale information from a diagnostic
scan, [where] an operator-selectable area of the display can be
highlighted to increase the contrast and brightness of **a selected portion
of the image** while simultaneously viewing a wide range of information
levels in the background portion of the image. (See, Abstract, emphasis
added)

Thus, rather than providing windowed information in response to an application
program, *Whitehead* teaches an operator selecting a portion of the displayed
information and increasing the contrast and brightness of that selected portion. Hence
the displayed information inside *Whitehead's* enhanced region is simply a brightness
and contrast enhanced version of the original information.

Whitehead also lacks any suggestion of the "host computer system for running
an application program" or the "processor device for automatically generating a
window control signal in response to said application program" as recited in essential
part in each of Applicant's independent Claims 26, 36, 43 and 45. *Whitehead* lacks
any such suggestion since the "CRT display terminal" (column 3, lines 24-25)
provided with "highlighting controls 15 consisting preferably of a joy stick 16, size
controls 18 and a highlighting enable switch 19" (lines 33-35) only allow for **manual
evaluation** of scanned X-ray images and the like. Therefore features such as a host
computer and automatic window control signal generation are not necessary to achieve
the objectives set forth in *Whitehead* at column 2, line 47 through column 3, line 3.
Hence, even if *Lee* and/or *Lagoni* singly or in combination provided both a host
computer and automatic window control signal generation, which they do not, the

nature and purpose of *Whitehead's* CRT terminal precludes any suggestion, implicit or explicit, to combine *Whitehead* with *Lee* and/or *Lagoni*.

The Examiner, on page 3 of the Final Office Action, states that *Lee* "teaches an automatic beam limiter ABL ... coupled to a CRT display device for processing said window information ... to limit said input signals provided to said display device." The *Lee* patent discloses "[a] video state stabilization apparatus for use in a video display unit for displaying a sub-picture within a main picture." (Abstract) The patent further discloses "a method for preventing a brightness and/or contrast of a sub-picture from being influenced by a brightness and or contrast of a main picture, in which a separate signal for controlling an automatic beam limit of the sub-picture is created from a sub-video signal in order to use the sub-picture ABL control signal in the case of the sub-video signal, and to use to a main picture ABL control signal in the case of the main video signal." (col. 2, lines 28-35) "Thus, when the main picture signal is displayed on the screen, a brightness and/or contrast are adjusted by main picture ABL control signal ABL_M . When the sub-picture signal is displayed, the brightness and/or contrast are adjusted by sub-picture ABL control signal ABL_S ." (col. 6, lines 54-59).

Lee teaches, as shown above, the need for two ABL signals: A first signal to control the main picture and a second signal to control the sub-picture in the picture-in-picture (PIP) environment to which it is directed. It is in this manner that *Lee* can isolate the influence of the main picture from the sub-picture and provide the sub-window at any appropriate luminance level. For example, providing a sub-picture that has a "low-luminance" level with respect to the main picture.

In contrast, Applicant specifically claims a "high-luminance" window, that is, a window with higher luminance than the main window. Thus Applicant's window is **not** isolated from the influence of the main picture but rather has a specific relationship in that the claimed window has a higher luminance. To allow for this influence or relationship, Applicant uses a single ABL signal directed only to the high-luminance window. It is therefore inappropriate to use *Lee's* teachings to provide the ABL signal of the present invention. *Lee* teaches (1) the need for two ABL signals for proper operation, and (2) application of the ABL signal to the sub-window in a manner directed to keep that sub-window at a luminance level independent of the main picture.

Turning now to *Lagoni*, on page 4 the Examiner states that "*Lagoni* ... teaches that at the time of the invention, it would have been obvious to a person of ordinary

skill in the art to understand the functions of ABL which is referred to in the art as beam current limiting (BCL), and the ABL arrangement generates a control signal for reducing the gain of the video signal processing channel ... when the level of the beam current exceeds a predetermined threshold."

Applicant respectfully contends that *Lagoni* is inappropriate for essentially the same reasons as put forth for *Lee*. Thus *Lagoni*, like *Lee*, is directed to a PIP environment and to solving a problem where the small window's image is influenced by the main picture. *Lagoni* states that an "apparatus is provided for automatically modifying the operation of a beam current limiting (BCL) section while the small picture is being displayed to prevent the visibility of the small picture from being adversely affected." (Abstract). In addition, like *Lee*, *Lagoni* provides two signals rather than the one signal of Applicant's invention. "In the preferred embodiment, a contrast BCL control signal is decoupled from the contrast section, and a substitute control signal ... is substituted for it in response to a switching signal which causes the small picture to be inserted However, the BCL section continues to be responsive to the beam current during the time interval in which the small picture is displayed so that the BCL contrast signal accurately represents the contents of the entire image." (Ibid.)

In summary, Applicant has put forth arguments to demonstrate that *Whitehead*, *Lee* and *Lagoni*, taken singly or in any combination, do not teach or suggest the present invention as recited in Claims 26-45. Furthermore, Applicant contends that as *Whitehead* is by necessity a manually operated device it cannot serve to teach the elements of an automatic device in the manner proposed by the Examiner. Hence Applicant contends that allowance of the instant application is in order and respectfully solicits that action.

If the Examiner has any questions or concerns, a telephone call to the number below is welcomed and encouraged.

Respectfully submitted,

Richard D. Cappel, Sr.

Date: 22-Sept.-99

By:



Bernard Berman, Reg. No. 37,279
Carr & Ferrell, LLP
2225 East Bayshore Road, Suite 200
Palo Alto, CA 94303
Phone (650) 812-3472
FAX (650) 812-3444